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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JUAN TORRES-VALENCIA,
15 Defendant.
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Case No.: 11cr5171-LAB-1 and
17cv2397-LAB (JLB)

**ORDER DENYING PETITION
FOR WRIT OF CORAM NOBIS**

17 After pleading guilty to one count of importation of marijuana, Juan Torres-
18 Valencia, a Mexican national, was sentenced to five years' probation. Over seven
19 and a half years later, through counsel, he filed a petition for writ of coram nobis,
20 claiming his trial counsel failed to warn him that as a result of his guilty plea he
21 might be deported.

22 The record shows that Torres-Valencia was aware of the possibility of
23 deportation, and in fact stipulated to removal. The Court ordered him to show
24 cause why his petition should not be summarily denied, both as meritless and as
25 untimely. He filed a response, which the Court determined did not adequately
26 explain his lengthy delay. The Court on September 21, 2018 ordered him to file a
27 response within 21 days, addressing specific problems in his explanation. (Docket
28 no. 9 in case 17cv2397 and 32 in case 11cr5171.) That order reminded him that,

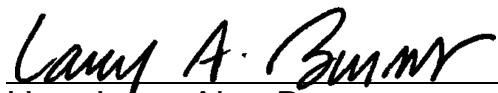
1 as the party seeking to set aside his conviction, he bears the burden of showing
2 he is entitled to relief. See *Strickland v. Washington*, 466 U.S. 668, 687 (1984).

3 After Torres-Valencia filed no response, the Court on January 16, 2019
4 ordered him to show cause forthwith why his petition should not be summarily
5 denied. (See Docket no. 10 in case 17cv2397 and 32 in case 11cr5171.) He was
6 to have filed his response by January 30, 2019. If he did not, the Court cautioned
7 him, his failure to respond would be construed as both an admission that he has
8 no good explanation for his delay in seeking relief, and as an abandonment of his
9 claim.

10 Torres-Valencia did not file the response as ordered, nor has he filed
11 anything else, nor sought additional time in which to do so. The Court construes
12 this as an admission that he has no good explanation for his long delay in seeking
13 relief, and also as an abandonment of his claim. For these reasons, and for the
14 reasons set forth in the Court's earlier orders (Docket nos. 9 and 10 in case
15 17cv2397; and 32 and 33 in case 11cr5171) the petition is **DENIED**.

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17 **IT IS SO ORDERED.**

18 Dated: April 12, 2019

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21 Hon. Larry Alan Burns
22 Chief United States District Judge
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